

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**  
*Philadelphia Division*

IN RE:

SIMONA S. ROBINSON and SIMONA S.  
ROBINSON

Case No. 22-13307-pmm

SIMONA S. ROBINSON AND SIMONA S.  
ROBINSON,  
Movant

Chapter 13

vs.

The Bank of New York Mellon f/k/a The Bank of  
New York as successor in interest to JPMorgan  
Chase Bank, National Association, as Trustee for  
GSRPM Mortgage Pass-Through Certificates,  
Series 2003-1,  
Respondent

**RESPONSE TO MOTION TO RECONSIDER**

The Bank of New York Mellon f/k/a The Bank of New York as successor in interest to JPMorgan Chase Bank, National Association, as Trustee for GSRPM Mortgage Pass-Through Certificates, Series 2003-1, (herein, “Respondent”) by and through undersigned counsel, hereby responds to the Motion to Reconsider [Doc. 57] filed on July 23, 2024 and in support thereof, shows unto the Court as follows:

1. Admitted. By way of further answer, it should be noted that since November 7, 2016 the debtor has been in a constant state of bankruptcy status for the last 8 years. The debtor filed a bankruptcy case on November 7, 2016 and it was dismissed on September 16, 2021. See Bankruptcy Case No.: 16-17817. Fifteen (15) days later, on October 1, 2021, the Debtor filed

another bankruptcy petition that stayed a sheriff sale. See Bankruptcy Case No.: 21-12716. This case was dismissed on November 17, 2022. Twenty-one (21) days later, December 8, 2022, the Debtor filed the current bankruptcy case that stayed a sheriff sale. See Bankruptcy Case No.: 22-13307. At the time of filing of the current bankruptcy case the Total Debt owed to Respondent was \$98,581.02 with arrears of \$59,233.24. It should be noted to the Court that when the mortgage and note were taken out in May of 1999 the amount borrowed was \$61,200. See Claim 4-1. On December 15, 2023, Respondent filed a Motion seeking Relief from the Automatic Stay. See Docket Entry 43. Since no response was ever filed by the Debtor a Certification of No Response was filed. See Docket Entry No.:45. The Court granted Respondent Relief from the Automatic Stay on January 11, 2024. See Docket Entry 47. As of the date of this Order, Respondent has not been subject to this bankruptcy case. Strict proof to the contrary is demanded at trial.

2. Admitted. By way of further answer, while it is admitted that the Debtor has cured the arrears owed, Respondent does not agree that the account is current. The total recoverable balance from January 2024 until today is \$2,959.40 that includes Bankruptcy and Foreclosure Fees and Costs.

3. Denied. By way of further response, Respondent has obtained relief from the automatic stay and does not wish to be part of this Bankruptcy case. As stated above, there are still arrears owed to Respondent and the Chapter 13 Trustee has also filed a Motion to Dismiss on June 5, 2024 indicating that the Debtor is delinquent with the Trustee. It appears as if the debtor utilized funds that should have been used to pay the Chapter 13 Trustee and instead used those funds to pay Respondent. The Debtor has materially defaulted on

the terms and conditions of the confirmed Chapter 13 Plan. The Court should deny this request in its entirety.

6. Respondent reserves the right to supplement or amend this response at or prior to the hearing.

**WHEREFORE**, Respondent respectfully requests that this Honorable Court deny the Motion to Reconsider and for any other relief the Court deems just and proper.

This the 5<sup>th</sup> day of August, 2024

/s/Andrew Spivack

Andrew Spivack, PA Bar No. 84439

Matthew Fissel, PA Bar No. 314567

Mario Hanyon, PA Bar No. 203993

Ryan Starks, PA Bar No. 330002

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SIMONA S. ROBINSON  
AKA SIMONA S. JOHNSON-ROBINSON AND  
SIMONA S. ROBINSON,  
Debtors

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and exact copy of the foregoing Response to Motion to Reconsider has been electronically served or mailed, postage prepaid on this day to the following:

Via Electronic Notice:

MICHAEL I. ASSAD, Debtor's Attorney  
1500 Walnut St  
Ste 900  
Philadelphia, PA 19102  
mail@cibiklaw.com

KENNETH E. WEST, Bankruptcy Trustee  
1234 Market Street - Suite 1813  
Philadelphia, PA 19107

Office of United States Trustee, US Trustee

Robert N.C. Nix Federal Building  
900 Market Street Suite 320  
Philadelphia, PA 19107

Via First Class Mail:

SIMONA S. ROBINSON  
3029 S 70TH ST  
PHILADELPHIA, PA 19142-2531

SIMONA S. ROBINSON  
MAILING ADDRESS  
P.O. BOX 33167  
PHILADELPHIA, PA 19142-0167

Date: August 5, 2024

/s/Andrew Spivack  
Andrew Spivack, PA Bar No. 84439  
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Ryan Starks, PA Bar No. 330002  
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